

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY KING,

Petitioner,

Case No. 14-cv-14627

Honorable Matthew F. Leitman

v.

J.A. Terris,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION
TO AMEND HIS HABEAS CORPUS PETITION**

Petitioner Rodney King ("Petitioner") has filed a pro se petition for the writ of habeas corpus under 28 U.S.C. § 2241 and a motion to amend the petition. The habeas petition and exhibits indicate that, following a jury trial in the United States District Court for the Northern District of Ohio, Petitioner was convicted of (1) possession with intent to distribute crack cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B), and (2) felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The trial court sentenced Petitioner as an armed career criminal¹ to two concurrent terms of 264 months (twenty-two years) in prison and four years of supervised release. Petitioner alleges in his habeas petition that his sentence was improperly enhanced on the basis of two Ohio convictions for armed robbery and a Federal Youth Act conviction for bank

¹ Under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), "an individual who violates § 922(g)(1) and has three previous convictions for a violent felony is subject to a mandatory minimum penalty of 15 years imprisonment." *United States v. Welch*, __ F.3d __, __, No. 13-4386, 2014 WL 6844935, at *1 (6th Cir. Dec. 5, 2014).

robbery. In his motion to amend, Petitioner seeks permission to amend his habeas petition by attaching two excerpts from the Ohio Criminal Code, specifically Revised Code (R.C.) 2923.14 (“Relief from Disability”) and R.C. 2967.16 (“Final Release of Paroled Prisoners”).

Under the Federal Rules of Civil Procedure,

A party may amend its pleading once as a matter of course within:

- (A) 21 days after serving it, or
- (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Fed. R. Civ. P. 15(a)(1).

On January 12, 2015, the Court ordered respondent J.A. Terris to file a response to Petitioner’s habeas corpus petition. Respondent has not filed his responsive pleading as of today’s date. Therefore, under Rule 15(a)(1)(B), Petitioner is entitled to amend his pleading as a matter of course. Accordingly, his motion to amend his habeas petition to add two exhibits (ECF No. 4) is **GRANTED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 14, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113